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The Honorable Marry Jo Heston
Chapter 13
Date of Hearing: March 29, 2021
Time of Hearing: 1:00 PM
Hearing Location: Telephonic
Response Due: March 22, 2021

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

IN RE:

SARAH HOOVER,

Debtor.

SARAH HOOVER,

Plaintiff,

v.

QUALITY LOAN SERVICE CORPORATION
OF WASHINGTON, PHH MORTGAGE
SERVICES D/B/A PHH MORTGAGE
SERVICES, HSBC BANK USA, N.A, AS
TRUSTEE OF THE FIELDSTONE
MORTGAGE INVESTMENT TRUST,
SERIES 2006-2, NEW REZ, LLC, AND IH6
PROPERTY WASHINGTON, L.P. D/B/A
INVITATION HOMES,

Defendant.

BK Case No.: 19-42890-MJH

Adv No. 20-04002 – MJH

Chapter: 13

DECLARATION OF CHRISTINA L HENRY
IN SUPPPORT OF OPPOSITION TO
MOTION FOR STAY PENDING APPEAL

I, Christina L Henry, hereby declare as follows:

1. I am an attorney for the Plaintiff in the above-referenced adversary proceeding
and I have personal knowledge concerning all information herein.

DECLARATION OF CHRISTINA L HENRY IN SUPPORT OF
OPPSITION TO MOTION FOR STAY PENDING APPEAL - 15

HENRY & DEGRAAFF, P.S.
787 MAYNARD AVE S.
SEATTLE, WASHINGTON 98104
telephone (206) 330-0595
fax (206) 400-7609

1 2. On February 14, 2021, six days after the court's ruling on the cross motions for
2 summary judgment, the Plaintiff's counsel initiated communications with all counsel for the
3 defendants about how to implement the court's directive to undo the foreclosure sale of her
4 Bonney Lake Property. *See* a true and correct copy of the email communications is attached
5 hereto as Exhibit A.

6 3. In response, on February 17, 2021, IH6 responded that it did not need to assist at
7 all in implementing the order and thereafter has not participated in any further communication on
8 the topic. *See* a true and correct copy of the email communications is attached hereto as Exhibit
9 B.

10 4. Finally, after almost a month, on February 13, 2021, QLS proposed some
11 solutions to reverse the sale and drafted a stipulation to which Ms. Hoover's counsel agreed. In
12 response to the proposed stipulation, PHH's counsel filed this motion for stay. Counsel for IH6
13 did not respond at all. *See* a true and correct copy of the email communications (without
14 attachments) is attached hereto as Exhibit C.

15 5. The proposed stipulation and order drafted by counsel for QLS is attached hereto
16 as Exhibit D.

17 6. Additionally, on February 23, 2021, Plaintiff's counsel drafted and served Rule
18 30(b)(1) deposition notices and written discovery on punitive damages to defendants HSBC,
19 NewRez and PHH and requesting a time to meet and confer. *See* a true and correct copy of the
20 email communications (without attachments) is attached hereto as Exhibit E.

21 7. The proposed punitive discovery served on February 23, 2021 is attached hereto
22 as Exhibit F (Notice of Depo for HSBC), Exhibit G (Notice of Depo for NewRez), Exhibit H
23 (Notice of Depo for PHH), Exhibit I (Written Discovery for HSBC), Exhibit J (Written
24 Discovery for NewRez), and Exhibit K (Written Discovery for PHH).

25 8. PHH's counsel did not substantively respond to the service of punitive damages
26 discovery until March 10, 2021 when the parties engaged in email discussions about the matter.
27

1 See a true and correct copy of the email communications (without attachments) is attached hereto
2 as Exhibit L.

3 9. Thereafter PHH and the Plaintiff's counsels held a discovery conference on
4 March 15, 2021 to discuss the motion to stay and punitive damages, but they did not come to any
5 resolutions.

6 10. Although Plaintiffs' counsel discussed not having all the rights to homeownership
7 as a harm to Ms. Hoover should a stay go into place by delaying title being put back in her name,
8 they did not at any time say that Ms. Hoover intended to sell her home while the case was on
9 appeal.

10 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE
11 OF WASHINGTON AND THE UNITED STATES THAT THE ABOVE IS TRUE AND
12 CORRECT.

13 EXECUTED this March 19th, 2021 at Bothell, WA

14 /s/ Christina L Henry
Christina L Henry